

1 KEVIN V. RYAN (CASBN 118321)
2 United States Attorney

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NOV 03 2004
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CR 04 20198

JF

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRIEU LAM and
THANH TRAN,
a/k/a David Tran

Defendants.

No. CR-

VIOLATIONS:

18 U.S.C. § 1832(a)(5) – Conspiracy to Possess Stolen Trade Secrets;
18 U.S.C. §§ 1832(a)(2) and (a)(4) – Alteration of Stolen Trade Secrets;
18 U.S.C. §§ 1832(a)(3) and (a)(4) – Possession of Stolen Trade Secrets;
18 U.S.C. §§ 1834(a)(1) and (a)(2) – Criminal Forfeiture.

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

BACKGROUND:

At all times relevant to this Indictment:

1. C&D Semiconductor Services, Incorporated (“C&D”), Milpitas, California, was a company engaged in the business of manufacturing and selling re-engineered and refurbished semiconductor equipment. This semiconductor equipment, called “track systems,” or “tracks,” functioned to apply photo-sensitive film to silicon wafers. These products were sold and shipped, and intended to be sold and shipped, in interstate and foreign commerce.

INDICTMENT

1 b. In or about January 2002, defendant TRAN attempted to steal equipment used
2 to build track systems from C&D.

3 c. On or about March, 1999, defendant LAM, following his termination from
4 C&D, knowingly and without authorization kept a C&D manual containing trade secrets that enabled
5 him to manufacture the track systems sold by MTS.

6 All in violation of Title 18, United States Code, Sections 1832(a)(5).

7 COUNT TWO: (18 U.S.C. §§ 1832(a)(2) & (a)(4)) – Alteration of Stolen Trade Secrets

8 10. On or about a date unknown but no later than March, 1999, and continuing to on or
9 about November 6, 2002, in the Northern District of California, the defendant

10 TRIEU LAM,

11 with intent to convert a trade secret belonging to C&D to the economic benefit of someone other
12 than the owner thereof, which trade secret is related to and included in a product that is produced for
13 and placed in interstate and foreign commerce, did alter such information knowing it to have
14 been stolen, appropriated, obtained, and converted without authorization, and attempt to do so,
15 intending and knowing that his act would injure C&D.

16 11. Specifically, defendant TRIEU LAM knowingly altered trade secrets in a C&D
17 proprietary document entitled: "Drawing # 99-600515-01, Assy.(Assembly) Spindle," belonging to
18 C&D, including cutting and pasting portions of the schematic.

19 All in violation of Title 18, United States Code, Sections 1832(a)(2) & (a)(4).

20 COUNT THREE: (18 U.S.C. §§ 1832(a)(3) & (a)(4)) – Possession of Stolen Trade Secrets

21 12. On or about November 6, 2002, in the Northern District of California, the defendant

22 TRIEU LAM,

23 with intent to convert a trade secret belonging to C&D to the economic benefit of someone other
24 than the owner thereof, which trade secret is related to and included in a product that is produced for
25 and placed in interstate and foreign commerce, did possess such information knowing it to have
26 been stolen, appropriated, obtained, and converted without authorization, and attempt to do so,
27 intending and knowing that his act would injure C&D.

28 13. Specifically, defendant TRIEU LAM knowingly possessed trade secrets belonging

INDICTMENT

1 to C&D on his work computer and in paper form. The trade secrets included those contained within
2 the following areas of documents:

- 3 a. Low Turbulence Coater Catch Cup schematic.
- 4 b. IO Board schematic.
- 5 c. Square Wafer schematic.
- 6 d. ATS Arm Assembly Schematic.
- 7 e. Engineering Change Orders (ECOs).
- 8 f. Bills of Materials (BOMs).

9 All in violation of Title 18, United States Code, Sections 1832(a)(3) & (a)(4).

10 COUNT FOUR: (18 U.S.C. §§ 1834(a)(1) and (a)(2)) – Criminal Forfeiture

11 14. The allegations of Counts One through Three of this Indictment are realleged and
12 incorporated herein.

13 15. As a result of the offenses alleged in Counts One through Three above, the defendant

14 TRIEU LAM,

15 shall forfeit to the United States:

16 a. All property constituting and derived from any proceeds defendant
17 obtained, directly and indirectly, as a result of said violation; and

18 b. Any of the person's property used, and intended to be used, in any
19 manner and part, to commit and facilitate the commission of such violation, if the court in its
20 discretion so determines, taking into account the nature, scope,, and proportionality of the use of the
21 property in the offense.

22 16. If, as a result of any act or omission of the defendant, any of said property

23 a. cannot be located upon the exercise of due diligence;

24 b. has been transferred or sold to or deposited with, a third person;

25 c. has been placed beyond the jurisdiction of the Court;

26 d. has been substantially diminished in value; or

27 e. has been commingled with other property which without difficulty cannot be
28 subdivided;

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INDICTMENT

1 any and all interest defendant has in any other property (not to exceed the value of the above
2 forfeitable property) shall be forfeited to the United States.

3 All in violation of Title 18, United States Code, Sections 1834(a)(1) and (a)(2).

4 SENTENCING ALLEGATIONS:

5 14. The loss in each of Counts One through Three was over \$1,000,000, but not more
6 than \$2,500,000.


7 15. In each of Counts One through Three, defendant TRIEU LAM's role was that of an
8 organizer, leader, manager, and supervisor.


9
10 DATED: November 3, 2004.

A TRUE BILL


FOREPERSON

11
12 KEVIN V. RYAN
United States Attorney

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14 
MATTHEW A. PARRELLA
15 Chief, San Jose Branch

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17 (Approved as to form: 

AUSA MATTHEW A. PARRELLA

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INDICTMENT